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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,005	02/20/2002	Stan Wojciak	LC-301/PCT/US/CON	4721

7590 09/09/2003

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EXAMINER

BERMAN, SUSAN W

ART UNIT	PAPER NUMBER
1711	

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	10/078,005	WOJCIAK ET AL.
	Examiner	Art Unit
	Susan W Berman	1711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): 112 rejection of claim 23.
4. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached page.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,4-7,11-14,16-22,27-34 and 36 under obviousness-type double patenting.

Claim(s) withdrawn from consideration: _____.

8. The proposed drawing correction filed on ____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. Other: _____.

Susan W Berman
Primary Examiner
Art Unit: 1711

Advisory Action

The proposed amendments to the claims correct indefinite claim language and overcome the rejection of claim 23.

The proposed amendment of claim 1 to include polymethylmethacrylate in the claimed composition would make the claimed composition commensurate in scope with the compositions relied upon for showing evidence of unexpected results in the Attarwala Declaration of record. The rejections of claims, except for claims 27 and 36, under 35 USC 103(a) will be withdrawn in response to entrance of the proposed amendments. Claims 11, 4-7, 11-14, 16-26 and 28-34 are considered to recite allowable subject matter on the basis of the showing of unexpected results in the previously submitted Attarwala Declaration. Claims 27 and 36 recite compositions having a viscosity of from 1-3 cps or 1-15 cps that are not considered to be commensurate in scope with the data relied for patentability.

Applicant expresses that applicant is prepared to submit a terminal disclaimer to overcome the rejections under obviousness-type double patenting. These rejections will be maintained until a terminal disclaimer has been submitted, approved and recorded.

Applicant argues that Mikune et al do not suggest adding the recited sulfur compounds. It is agreed that Mikune et al do not teach the recited sulfur compounds, however, Mikune et al teach adding sulfur-containing anionic polymerization inhibitors and/or heat stabilizers in general. Attarwala et al are relied upon for teaching sulfur-containing compounds corresponding to those instantly claimed for enhancing thermal stability in cyanoacrylate compositions. Mikune et al teach adding thickeners and specifically discloses polymethylmethacrylate. See US '180, column 7, lines 54-58. Mikune et al do not suggest that polymethylmethacrylate improves shelf stability. Nor is the Attarwala Declaration considered to provide evidence that polymethylmethacrylate provides shelf life stability. The function of polymethylmethacrylate as a thickener is known. The Declaration of Attarwala does not present any

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evidence to show that improved shelf stability is provided when the instantly claimed sulfur-containing compound are used in cyanoacrylate compositions not containing a polymethylmethacrylate thickener.

Applicant argues that Attawala et al do not teach thermal cure. This argument is not persuasive because thermal cure is disclosed in Examples 1, column 5, lines 59-68 of US '944. It is agreed that Attarwala et al disclose that the sulfur additives do not affect storage stability of the compositions disclosed by Attarwala et al. Attarwala et al teach that the sulfur compounds enhance the thermal properties of cured cyanoacrylate polymers. Thus the comparative data in the Attawala Declaration is considered to provide evidence of unexpected results.

Applicant argues that the ferrocenium salts disclosed by Gatechair et al are not comparable to metallocenes such as ferrocene, set forth in the instant claims. This argument is unpersuasive because the instantly claimed metallocenes include salts of metallocenes. Thus the combination of Gatechair et al with Mikune et al and Attawala references is considered to be based on analogous art with respect to photoinitiator combinations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.

Susan Berman
Susan W Berman
Primary Examiner
Art Unit 1711

SB

September 4, 2003